



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,456	06/15/2000	Shawn D. Abbott	30074.27US11	8669
26694	7590	10/06/2005	EXAMINER	
VENABLE LLP			JACKSON, JENISE E	
P.O. BOX 34385			ART UNIT	
WASHINGTON, DC 20045-9998			PAPER NUMBER	
			2131	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/594,456	Applicant(s) ABBOTT ET AL.	
	Examiner Jenise E. Jackson	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4-7,10-13 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 4-7, 10-13, 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

AT

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 4, 5-7, 10-13, 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson(EP 0936530) in view of Gabrielle.

3. As per claims 4, 10, 16, Benson discloses a compact personal token(i.e. dongle, 1101)(see col. 24, lines 8-10), a host processing device(vcs, virtual smartcard server)(see col. 23, lines 20-21, see fig. 1, pg. 15) an operating system; a smartcard processor having a smartcard processor-compliant interface for communicating according to a smartcard input and output protocol, and interface processor(see col. 6, lines 38-45, 56-58, col. 7, lines 1-5), a smartcard processor-compliant interface, the interface processor implementing a translation module for interpreting messages into smartcard processor-compliant messages(see col. 4, lines 4-23, col. 24, lines 8-16); wherein the virtual smartcard reader includes a bootup module for responding to an operating system bootup procedure with an indication that a smartcard reader is communicatively coupled to the host processor(see col. 4, lines 14-23, col. 6, lines 39-44).

4. Benson does not disclose an USB-compliant interface; however, Gabrielle teaches an USB-compliant interface, such as a USB port. It would have been Obvious to one of ordinary skill in the art to include the USB-compliant interface of Gabrielle in the Benson system, the motivation to have a USB-compliant interface is that USB can transfer data quicker than a serial

or parallel port, and is “hot swappable” plug-and-play, allowing consumers to alter the configuration of their computers without using ports specific to any one peripheral; up to 127 devices can be daisy-chained using USB ports, including parallel device that can be link to a USB port via a dongle device.

5. As per claim 2, Benson discloses the interface processor emulates a smartcard reader to the smartcard processor(see col. 3, lines 22-26, col. 4, lines 14-23, col. 6, lines 38-41).

6. As per claims 5, 11, Benson inherently discloses wherein the virtual smartcard reader includes an answer-to-reset module for providing an ATR message to the operating system in response to a reset message, because Benson discloses a smart card(see col. 7, lines 49-51, col. 24, lines 42-47). The Examiner asserts that smartcards have answer-to-reset module.

7. As per claims 6, 12, 17, wherein the virtual smart card reader includes a reporting module for receiving and reporting the insertion of the personal token(see col. 24, lines 8-14), communicatively coupled to the host processor and the removal of the personal token as a removal of a smart card from a smart card reader(see col. 13, lines 41-53, col. 23, lines 35-37, col. 24, lines 18-22).

8. As per claims 7, 13, 18, Benson inherently discloses wherein the virtual smart card reader includes a protocol selection module for receiving a protocol type selection command from the operating system and providing a PTS response message to the operating system, because Benson discloses that the virtual smart card can be inserted into different machines(see col. 3, lines 30-37). Therefore, the Examiner asserts that since Benson discloses that the virtual smart card can be inserted into different machines, that there is a protocol selection module.

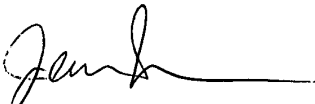
9. As per claim 15, rejected under limitations already addressed(see claim 1 and 3).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E. Jackson whose telephone number is (571) 272-3791. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


October 2, 2005


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100